

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

April 19, 2006

SUBJECT: Street Closing and Abandonment
Application SCA2006-00096

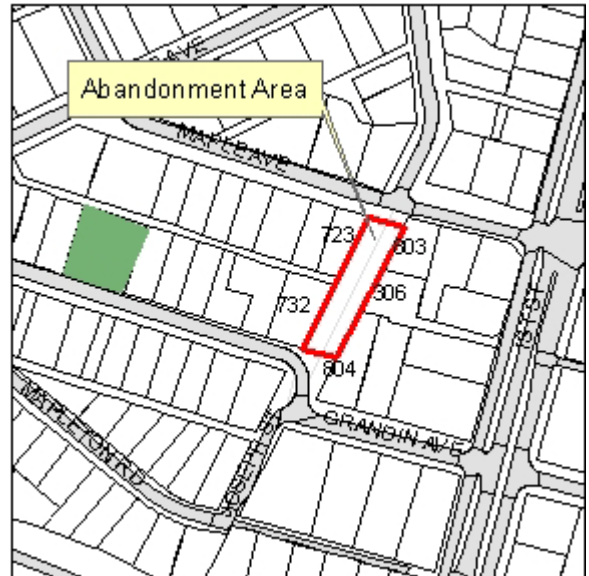
Applicant: Mary Lee Bassford, 732 Grandin Avenue;
R.E. & Catherine Bisnett, 723 Maple
Avenue; Jorge & Fernanda Mouco, 803
Maple Avenue; John Hancock, 804 Grandin
Avenue, Rockville, MD 20851

Owner: City of Rockville

Date Filed: January 6, 2006

Mayor & Council Public Hearing: May 8, 2006

Location: Unimproved right-of-way for Joseph Street
between Grandin Avenue and Maple Avenue.



REQUEST:

The applicant requests the abandonment of a portion of the right-of-way for Joseph Street between Grandin Avenue and Maple Avenue. The right-of-way has never been improved.

STAFF RECOMMENDATION: Denial

RELEVANT ISSUES:

- Only four (4) of the five (5) adjacent property owners are parties to this application
- The City does not hold the land in fee, which means that the City does not have ownership of the land with all the rights and obligations of ownership including the right to sell or give away the land. The land was setup as street or right-of-way for public use by plat, which limits the City to right-of-way uses.
- The City does not control how or to whom abandoned right-of-way is conveyed. The intent of road abandonment is to release the City's interest in a right-of-way. By default half of the right-of-way is returned to each adjacent property.
- The adjacent properties to the unimproved segment of Joseph Street are required to meet front yard zoning requirements, which include 25 foot building setbacks, 42 inch fence height, and other related requirements. Many of the adjacent homes have preexisting conditions that are nonconforming.

ANALYSIS

Background

Joseph Street was created in the late 1800s as part of the subdivision of Reading's 1st Addition (1888), which was later replatted with smaller lots as the Rockville Park (1893) subdivision. Additional right-of-way was created by the adjoining Janeta subdivision in 1869. A number of alleys and this segment of Joseph Street between Grandin Avenue and Maple Avenue were platted and dedicated, but never constructed.

The proposed segment of right-of-way is in the R-60 Zone, which requires a minimum lot area of 6,000 square feet and a minimum lot width of 35 feet at the front lot line in order to develop a one-family house.

The property is maintained by the Recreation and Parks' right-of-way crew. The area has been used as a pedestrian cut-through and a play area for neighborhood children for a number of years.

Property Description

The portion of unimproved Joseph Street right-of-way proposed for abandonment is located between Maple Avenue and Grandin Avenue between the Rockville Park and the Janeta subdivisions of East Rockville. The segment of right-of-way proposed for abandonment encompasses a total land area of 16,368 square feet or 0.376 acres. The property is a flat, grass-covered area, which measures about 164 feet long and 62 feet wide. There are no public utilities or utility easements located within the right-of-way.



View From Grandin Avenue



Middle of Proposed Abandonment Segment



View From Maple Avenue

Proposal

Application SCA2006-00096 proposes the abandonment of a segment of right-of-way for Joseph Street between Grandin Avenue and Maple Avenue. The abandonment will convert the abandoned section of right-of-way from public to private land and convey it to the five adjoining property owners with about 4,000 or 2,500 square feet being conveyed to each adjacent property owner. The applicants indicated that they have no plans to develop the property at this time.

Discussion

The unimproved segment of Joseph Street provides a number of benefits to the neighborhood. This segment of right-of-way is one of the few greenways in the community. The proposed abandonment area is used as a pedestrian way.

The right-of-way is also one the few flat open areas in the neighborhood. Grandin Park, which is located just to the west of Joseph Street on Grandin Avenue, is a different type of park with a large playground and a lot of landscaping. Because of this the park has a limited amount of flat open space for activities.

The applicants have voiced concerns about trespassers on their property and litter in the right-of-way. Recreation and Parks maintains the area in summer months by mowing the grass and picking up litter bi-weekly, and in the winter maintenance crews will address litter and other maintenance concerns if there are complaints. Other issues include the fact that the right-of-way creates a second front yard for adjacent properties that in theory are corner lots. This limits the adjacent properties from increasing the height of fences and adding or placing accessory structures, and/or additions. A variance could provide relief from any of these limitations and bring into compliance existing nonconforming structures, but an abandonment would remove the need for a variance.

The segment of right-of-way has existed as a greenway for over a century. The future plans for this segment of right-of-way do not include any vehicular improvements, but it functions as a pedestrian passageway and may be improved to meet community goals if desired in the future.

CONCLUSION

Staff finds that the proposed abandonment should not be recommended. This greenway should be retained as a potential pedestrian and/or bikeway connection, supporting the Mayor and Council goal of improving pedestrian safety. The East Rockville Plan states: "Implement a safe, accessible, and attractive infrastructure of sidewalks and crossings that encourage pedestrian traffic, where feasible. In cases where sidewalks are not feasible along the roadway, alternative routes should be explored." The abandonment would also create a dead-end alley, in the block to the west, which is also unimproved and has not been proposed for abandonment. Staff understands the concerns that the adjacent property owners may have regarding maintenance and trespassers, but other solutions should be explored before abandoning this right-of-way. The control of the area should remain with the City to protect the interests of the general public and the adjoining property owners who all use this greenway.

Attachments:

1. Application Submission
2. Citizen Letters